IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 6540 of 2006
Date of decision : 7.12.2006

Mohinder Singh

.....Petitioner.

Versus

New India Assurance Co. Ltd. Banga,Distt. Nawanshahr & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Hardip Singh,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The petitioner by way of present revision petition has challenged the order dated 11.10.2006 passed by the learned Motor Accident Claims Tribunal, Ropar dismissing the application for review filed by the petitioner.

The learned Motor Accident Claims Tribunal had allowed a claim petition under Section 166 of the Motor Vehicle Act in which one of the issue was "Whether respondent No.1 was not having a valid driving licence at the time of alleged accident ?" No evidence was led by the petitioner on this issue. Accordingly, this issue was decided against the petitioner. The learned counsel for the petitioner brought to the notice of this Court that the appeal filed against the said order was also dismissed by this Court.

The petitioner thereafter sought review of the award primarily on the ground that issue No.2 was wrongly decided as the petitioner held a

valid driving licence at the time of accident. The finding of the learned Tribunal that the petitioner had violated the policy condition of the insurance was also challenged.

In the review petition, the petitioner claimed that the driver of the offending vehicle was in possession of a valid driving licence issued by the Licencing Authority, Motor Vehicle Department, Mathura. However, the same could not be inadvertently produced before the Tribunal. The said licence was attached with the review petition. Keeping in view the fact that the petitioner had not placed on record the driving licence the learned Tribunal rightly came to the conclusion that there was no merit in the review petition. The leaned Tribunal further came to the conclusion that evidence sought to be produced was within his knowledge when the evidence was being led and furthermore there was no affidavit in support of review application.

The learned counsel for the petitioner contended that the impugned order cannot be sustained in view of the judgment of the Hon'ble Supreme Court in the case of ***Rajender Singh Vs. Lt. Governor, Andaman & Nikobar Islands and Others AIR 2006 Supreme Court 75.***

I have gone through the said judgment, it does not remotely applies to the facts of the present case. As in the present case it is admitted by the petitioner and even otherwise bare reading of the ground of review shows that the petitioner had not placed the driving licence on record nor produced any evidence in support of the said issue.

In view of this, the learned Court below rightly came to the conclusion that there was error apparent on the face of record which could entitled the petitioner to file the review.

Dismissed.

7.12.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**